



U.S. Department of Justice

Criminal Division

Fraud Section

Washington, D.C. 20530

February 9, 2018

BY ECF

The Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Connolly, et al.*, S1 16 CR 370 (CM)

Dear Chief Judge McMahon:

The government today learned that FCA investigator Michael Prange's father passed away unexpectedly on or about February 8. As a result of this tragedy, Mr. Prange will be unable to travel to the United States in time for the *Kastigar* hearing currently scheduled for February 28.

The government therefore respectfully requests a postponement of the hearing. The government is not able at present to ascertain when Mr. Prange will be available, but will reach out at the appropriate time and will let the Court know as soon as possible about Mr. Prange's availability. The FCA informs the government that it remains committed to making Mr. Prange available to testify at a future agreeable date.

Accordingly, the government respectfully requests that the Court hold the hearing in abeyance pending further communication from the government. The government has conferred with defense counsel, who have informed the government that they do not object to a reasonable accommodation. Defense counsel further states, "If the hearing is adjourned, Mr. Black requests a new date convenient for the Court and all concerned be set as soon as possible."

Respectfully submitted,

/s/ D. Brittain Shaw
D. BRITTAIN SHAW
CHRISTOPHER D. JACKSON
JESSEE ALEXANDER-HOEPPNER
Trial Attorneys
Criminal Division, Fraud Section
U.S. Department of Justice

CC (via ECF): Counsel for Matthew Connolly and Gavin Black